

REMARKS

The Office Action mailed June 16, 2004, has been carefully considered together with each of the references cited therein.

Claims 1-16 are presented for examination.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckert et al. (U.S. Pat. 5,949,345), and Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckert et al. in view of Wood (U.S. Pat. 4,529,429).

Claim 1 calls for a blanking device associated with a signal processor and a communications device responsive to blanking signals and configured to shut down output from the computer ports to a communications device to prevent utilization or interaction with said at least one communications device by said vehicle operator.

Claims 2 and 12-15 call for a transmission park/neutral switch, not suggested by the reference.

Beckert et al. (U.S. Pat. 5,949,345), at column 6, line 22, states that driving-related information is displayed on the display device at all times. Non-driving-related information is displayed only when there is no potential for vehicle movement or when the display device is turned away from the driver. The operating system issues appropriate window hide and restore instructions to non-driving-related windows so that they are displayed and hidden at the appropriate times. Application programs are not involved in this process--they continue to execute as if they have full control of their windows.

The patent to Beckert selectively runs certain applications based on vehicle motion and/or the position of the display device as it relates to the driver. The invention defined by Claims 1-16 totally disables the computer so that it will not respond to commands from the driver and will not display information to the driver that could be distraction.

Applicants respectfully urge that the rejection of Claims 1-15 under 35 USC 102(b) as being anticipated by Beckert et al. (U.S. Pat. 5,949,345) be reconsidered and

withdrawn.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckert et al. in view of Wood (U.S. Pat. 4,529,429).

The examiner noted that Beckert et al. does not show an optical isolator circuit in the signal path between the at least one vehicle motion condition detector and the at least one signal processor.

Claim 17 has been canceled, and the limitations have been inserted by amendment into Claim 12.

Patent 4,529,429 to Wood discloses electronic controllers that provide activation signals to selectively activate or deactivate solenoid-operated valves to effect precise initiation of movement of the various components in an individual section machine. The patent states that the basic block makeup of such systems is shown in FIG. 1 and includes an electronic control unit 17, operator controls 15 for changing timing and starting and stopping the I.S. machine, a central console 18 and mass storage 19 for programming and/or providing data to the electronic control unit 17, and a pulse generator 16 for providing timing signals to the electronic control unit in synchronization with the movement of certain components of the glass forming machine including the plunger, shears, and molten glass distributor.

The examiner stated that it would have been obvious to one of ordinary skill in the art to utilize the conventional optical isolator circuit 38 of Wood in the system of Beckert et al. because the optical isolator circuit is merely an isolator switching device which is commercially available in the market.

While a suggestion or motivation to combine two references may come from the general knowledge of those of ordinary skill in the art, there must be actual evidence of such a suggestion or motivation and the showing must be clear and particular. In re Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617 ("Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."; In re

Gartside, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000); see also, Smith Indus. Med. Sys. v. Vital Signs, Inc., 183 F.3d 1347, 1356, 51 USPQ2d 1415, 1421 (Fed. Cir. 1999) ("That knowledge may have been within the province of the ordinary artisan does not in and of itself make it so, absent clear and convincing evidence of such knowledge."); see In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

As described at page 4 of Applicants' original disclosure:

"The signal on line 26 is applied to processor 14 which may be a "stand alone" programmable processor 14 generating appropriate access control signals on line 27 to blanking devices 15, 16, 17 and 18 associated with communications devices 19, 20, 21 and 22 respectively, the utilizations of which are to be controlled. Blanking device 15 when activated shuts down output transducer 31 of radio 19; likewise device 16 controls output transducer 32 of cell phone 20, device 17 controls the screen 33 of pager 21 and device 18 controls the output interface 34 of auxiliary device 22.

Applicants respectfully take issue with the statement of the examiner that it would have been obvious to one of ordinary skill in the art to utilize an optical isolator circuit in the system of Beckert et al. merely because an optical isolator circuit is commercially available in the market. It would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify and redesign the system of Beckert to shut down output from the computer ports to a communications device to prevent utilization or interaction with the communications device by the vehicle operator, as called for in Claims 12-16, when the vehicle is running. The apparatus defined by Claims 12-16 totally inhibits or blocks the use of a programmable device (PC or PDA) by disabling the keyboard, mouse and pen input and "blanks" the screen. User applications are left running on the device but are simply unavailable to the driver.

Applicants urge that Wood in non-analogous art and neither the primary nor the secondary references contain any teaching which would suggest the proposed combination of the references.

Applicants urge that the rejection of Claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Beckert et al. in view of Wood (U.S. Pat. 4,529,429) be reconsidered and withdrawn.

The invention defined by Claims 1-16 was designed to inhibit the use of a device that includes an embedded programmable processor such as a PC or PDA. The structure discussed by the examiner, selected from the various references, does not shut down output from computer ports to a communications device to prevent utilization or interaction with the communications device by the vehicle operator when the vehicle is running. The apparatus defined by Claims 1-16 totally inhibits or blocks the use of a programmable device (PC or PDA) by disabling the keyboard, mouse and pen input and "blanks" the screen. User applications are left running on the device but are simply unavailable to the driver.

Applicants urge that the rejections of Claims 1- 16 be reconsidered and withdrawn. The application as now presented appears to be in condition for allowance and such action is respectfully requested.

The additional references to Haymond (U.S. Pat. 5,148,153) disclosing automatic screen blanking in a mobile radio data terminal and to Brown et al. (U.S. Pat. 6,690,940) disclosing a system for selective prevention of non-emergency use of an electronic device do not contain any teaching that would suggest the combination of elements defined by Claims 1-16 and further discussion thereof does not appear to be necessary.

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December 16, 2004

Date of Deposit

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Name of Applicant, Assignee or Registered Representative

Gerald G. Crutsinger
Signature

December 16, 2004

Date of Signature

Respectfully submitted,

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